

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

JAMES DOTSON,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:07CV132-P-B

REGIONS BANK,

DEFENDANT.

FINAL JUDGMENT

This matter comes before the court *sua sponte* in relation to the court's May 29, 2008 Order denying Defendant Region Bank's *ore tenus* motion to grant their motion to dismiss as confessed for failure to respond. In that Order, the court admonished the plaintiff that: "The plaintiff has until June 20, 2008 by which to file his response to the defendant's Motion to Dismiss Due to Plaintiff James Dotson's Failure to Join Indispensable Party. In the event a response is not filed within the deadline, the motion will be granted as confessed pursuant to Uniform Local Rule 7.2(c)(2) and (3)."

The plaintiff has filed no response, nor has he otherwise contacted the court requesting additional time. Uniform Local Rule 7.2(c)(3) requires a party to notify the court if it intends not to respond to a motion. Uniform Local Rule 7.2(c)(2) allows a court to grant a motion to which no response was filed. On this basis, the court grants the defendant's motion to dismiss.

Furthermore, this case should be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Rule 41(b) "permits a court to dismiss an action for failure to prosecute ... upon its own motion to 'achieve the orderly and expeditious disposition of cases.'" *Morris v. Ocean Systems, Inc.*, 730 F.2d 248 (5th Cir. 1984).

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's Motion to Dismiss Due to Plaintiff's Failure to Join an Indispensable Party

[16] is **GRANTED** as confessed for failure to respond pursuant to Uniform Local Rules 7.2(c)(2) and (c)(3);

(2) The plaintiff's claims are **DISMISSED WITH PREJUDICE** for failure to prosecute upon the court's own motion pursuant to Federal Rule of Civil Procedure 41(b); therefore,

(3) This case is **CLOSED**.

SO ORDERED this the 24th day of June, A.D., 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE